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GREENBERG-TRAURIG
1750 TYSONS BOULEVARD, 12TH FLOOR
MCLEAN, VA 22102

| EXAMINER |
|---|
| TIV, BACKHEAN |

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Please find below and/or attached an Office communication concerning this application or proceeding.

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on <u>20 May 2002</u>.
2a) ☐ This action is **FINAL.**     2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) <u>39-58</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>39-58</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>8</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

1                                    **_DETAILED ACTION_**

2                          Claims 39-58 are pending in this application.

3                         **_Claim Rejections - 35 USC § 112_**

4          The following is a quotation of the second paragraph of 35 U.S.C. 112:

5          The specification shall conclude with one or more claims particularly pointing out and distinctly
6          claiming the subject matter which the applicant regards as his invention.
7
8          Claims 39, 47 are rejected under 35 U.S.C. 112, second paragraph, as being

9   indefinite for failing to particularly point out and distinctly claim the subject matter which

10  applicant regards as the invention.

11         Claim 39 recites the limitation "method of Claim 30" in the first line.  Claim 30

12  was cancelled in the pre-amendment, therefore claim 39 is vague and indefinite and

13  there will be no art rejection.

14         Claim 47 recites the limitation "said spatial location" on the sixth line.  There is

15  insufficient antecedent basis for this limitation in the claim.

16

17                         **_Claim Rejections - 35 USC § 102_**

18         The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

19  form the basis for the rejections under this section made in this Office action:

20         A person shall be entitled to a patent unless –

21         (b) the invention was patented or described in a printed publication in this or a foreign country or in public
22         use or on sale in this country, more than one year prior to the date of application for patent in the United
23         States.
24
25         Claim 57 is rejected under 35 U.S.C. 102(b) as being anticipated  by US Patent

26  6,006,260 issued to Barrick, Jr.et al.(Barrick).

27

1    As per claim 57, Barrick teaches a method of storing a spatial location associated

2    with a given waypoint, comprising:

3    determining a spatial location(col.6,lines 20,col.7,lines 1-8);

4    translating said spatial location into at least one standardized format(col.6,lines 21-

5    22,col.7,lines 1-8); and storing said translated spatial location as a

6    cookie(Fig.3,col.6,lines 9-19,col.7,lines 1-8).

7

8                        ***Claim Rejections - 35 USC § 103***

9    The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

10   obviousness rejections set forth in this Office action:

11   (a) A patent may not be obtained though the invention is not identically disclosed or described as set
12   forth in section 102 of this title, if the differences between the subject matter sought to be patented and
13   the prior art are such that the subject matter as a whole would have been obvious at the time the
14   invention was made to a person having ordinary skill in the art to which said subject matter pertains.
15   Patentability shall not be negatived by the manner in which the invention was made.
16
17
18   Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable

19   over US Patent 6,629,136 issued to Naidoo in view of US Patent 6,028,550 issued to

20   Froeberg et al.(Froeberg).

21

22   As per claim 40, Naidoo teaches a spatial location based data validation system,

23   comprising:

24        a transmitting device capable of automatic spatial location

25        determination(col.2,lines 44-64);

1      .        a receiving device capable of receiving a spatial location(Fig.4,element 410,

2               col.3,lines 59-66).

3               However, Naidoo does not teach a database of recent transmitting device spatial

4      locations; a means of calculating a speed and direction of said transmitting device

5      based on said database of recent transmitting device spatial locations; and

6      a means of determining whether a most recently received transmitting device spatial

7      location is consistent with said calculated speed and direction, within a specified range.

8               Froeberg teaches a database of recent transmitting device spatial

9      locations(col.13,lines 25-27; it is inherent that there is a database of recent transmitting

10     spatial locations because the speed and direction is replacing inaccurate values of

11     speed and direction);a means of calculating a speed and direction of said transmitting

12     device based on said database of recent transmitting device spatial

13     locations(col.13,lines 19-23); and

.14    a means of determining whether a most recently received transmitting device spatial

15     location is consistent with said calculated speed and direction, within a specified

16     range(col.13,lines 31-37).

17              Therefore, it would have been obvious to one having ordinary skill in the art at

18     the time of the invention to modify the system of providing geographically-related

19     content over a network as taught by Naidoo to include calculating a speed and direction

20     of said transmitting device based on said database of recent transmitting device spatial

21     locations; and a means of determining whether a most recently received transmitting

22     device spatial location is consistent with said calculated speed and direction, within a

1    specified range as taught by Froeberg in order determine the location of a vehicle

2    (col.3,lines 14-15).

3          As per claim 41, a spatial location based data validation method, comprising the

4    steps of: determining the current spatial location of a transmitting device;

5    transmitting said transmitting device current location to a receiving device along with

6    other data from said transmitting device(Naidoo, col.2,lines 44-64);

7    receiving said transmitting device current spatial location (Naidoo, Fig.4,element 410,

8    col.3,lines 59-66);

9    calculating the speed and direction of travel associated with said transmitting device

10   based on recently stored current spatial locations for a transmitting device(Froeberg,

11   col.13,lines 19-23);

12   determining whether said transmitting device current location is consistent with said

13   calculated transmitting device speed and direction of travel, within a customizable error

14   limit(Froeberg, col.13,lines 31-37); and

15   providing positive authentication to said other data from said transmitting device if said

16   transmitting device current spatial location is determined to be consistent with said

17   calculated transmitting device speed and direction of travel(Froeberg, col.3,line 64-

18   col.4,line 2).

19

20          Claims 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over

21   US Patent 6,629,136 issued to Naidoo in view of US Patent 6,047,327 issued to Tso et

22   al.(Tso).

1

2      As per claim 42, Naidoo teaches an automatic spatial location client configuration

3  and service location system, comprising:

4          at least one server capable of fulfilling computing services(Fig4,element 410,

5          col.2,line 60-col.3,line5); and

6          at least one master server capable of maintaining a list of currently available

7          services provided by said at least one server, spatial locations associated with

8          said at least one server and said device, and spatial locations served by said at

9          least one server(col.3,line 59-col.4,line 30,col.8,lines 64-67).

10      However, Naidoo does not teach a device capable of transmitting a configuration

11  request and receiving local configuration information;

12  a storage means on said device into which said local configuration information can be

13  stored.

14      Tso teaches a device capable of transmitting a configuration request and

15  receiving local configuration information(col.16,lines 32-34);

16  a storage means on said device into which said local configuration information can be

17  stored(col.16,lines 38-41).

18      Therefore, it would have been obvious to one having ordinary skill in the art at

19  the time of the invention to modify the system of providing geographically-related

20  content over a network as taught by Naidoo in include transmitting configuration request

21  and receiving local configuration and storing the local configuration as taught by Tso in

22  order for the cellular device to be aware of its respective location(col.16,lines 28-29).

As per claim 43, the automatic spatial location client configuration and service location system of Claim 42, wherein said device includes a current spatial location in said configuration request(Tso, col.18, lines 1-26).

As per claim 44, the automatic spatial location client configuration and service location system of Claim 42, wherein said local configuration information received by said device includes a spatial location(Tso, col.16,line 37).

As per claim 45, the automatic spatial location client configuration and service location system of Claim 42, wherein said local configuration information includes software to be installed on said device(Tso, col.24,lines 24-28).

As per claim 46, the automatic spatial location client configuration and service location system of Claim 42, wherein said local configuration information includes specification of a preferred spatial location encoding means and software necessary to implement said preferred spatial location encoding means if said device is not already capable of implementing said preferred spatial location encoding means(Naidoo, col.2,lines 53-55); examiner interprets the process of converting an address to latitude and longitude as encoding.

Claims 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,047,327 issued to Tso et al.(Tso) in view of US Patent 6,216,173 issued to Jones et al.(Jones).

1        As per claim 47, Tso teaches an automated network client configuration and

2    service location method, comprising the steps of:

3        transmitting a configuration request from a device(col.16,lines 32-34); identifying

4        at least one server capable of providing said requested configuration information

5        to said device based in part on said spatial location transmitted by said

6        device(col.16,lines 35-41);

7        and storing said requested configuration information on said device(col.16,lines

8        38-41).

9        However does not teach receiving and processing said configuration request at a

10    master configuration server; rerouting of said configuration request to said at least one

11    service server; transmitting said requested configuration information to said device from

12    said at least one service server.

13        Jones teaches teach receiving and processing said configuration request at a

14    master configuration server(col.12,lines 16-20); rerouting of said configuration request

15    to said at least one service server(col.12,lines 39-54);

16    transmitting said requested configuration information to said device from said at least

17    one service server(col.12,lines 39-54).

18        Therefore, it would have been obvious to one having ordinary skill in the art at

19    the time of the invention to modify the method of identifying a server to serve a cellular

20    phone taught by Tso to add receiving and processing configuration request at a master

21    server and rerouting configuration request to another service server and transmitting the

22    requested configuration information to a device as taught by Jones in order to consider

1    the relative requirements of other applications that is needed to use the

2    network(col.3,line 66-col.4, line 6).

3        As per claim 48, the automated network client configuration and service location

4    method of Claim 47, in which said configuration request includes a spatial location,

5    attributes associated with said spatial location, and attributes associated with said

6    device(Tso, col.18, lines 1-26).

7

8        Claims 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over

9    US Patent 6,047,327 issued to Tso et al.(Tso) in view of US Patent 6,216,173 issued to

10   Jones et al.(Jones) in further view of US Patent 6,629,136 issued to Naidoo.

11

12       Tso in view of Jones teaches all the limitations of claim 47 however does not

13   teach as per claim 49, the automated network client configuration and service location

14   method of Claim 47, in which said requested configuration information includes a list of

15   additional services available from at least one server accessible via the network.

16       Naidoo teaches which said requested configuration information includes a list of

17   additional services available from at least one server accessible via the

18   network(col.8,lines 64-67).

19       Therefore, it would have been obvious to one having ordinary skill in the art at

20   the time of the invention to modify the method of identifying a server to serve a cellular

21   phone taught by Tso in view of Jones to add a list of addition service from at least one

1    server as taught by Naidoo in order to help find information corresponding to a specific

2    area(col.1,lines 57-59).

3          As per claim 50, the automated network client configuration and service location

4    method of Claim 47, in which said device is capable of automatically determining a

5    current spatial location, and said current spatial location is included in said configuration

6    information request(Naidoo, col.2, lines 60-64).

7

8          Claim 51 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over

9    US Patent 6,014,090 issued to Rosen et al.(Rosen) in view of US Patent 6,028,550

10   issued to Froeberg et al.(Froeberg).

11

12         As per claim 51, Rosen teaches a real time, spatial location aware directory

13   system, comprising:

14         an electronic device which is assigned a unique identifier, and which is capable

15         of reporting a spatial location by embedding said spatial location, said unique

16         identifier, and other information within communications originating from said

17         electronic device(col.4,lines 59-67;examiner interprets the location identifier as

18         the unique identifier);

19         network infrastructure equipment capable of extracting said spatial location and

20         said unique identifier from said communications originating from said electronic

21         device(col.4,lines 53-56);

1        a database communicatively coupled to said network infrastructure equipment

2        which is capable of associating said extracted electronic device identifier and

3        spatial location with information pertaining to an entity owning and operating said

4        electronic device(col.5,lines 1-5,col.5,lines 59-67).

5        However Rosen does not teach a means of updating spatial location information

6    stored in said database when spatial location information reported by said electronic

7    device changes.

8        Froeberg teaches updating spatial location information stored in said database

9    when spatial location information reported by said electronic device

10   changes(col.10,lines 11-29).

11       Therefore, it would have been obvious to one having ordinary skill in the art at

12   the time of the invention to modify the system of identifying a device as taught Rosen to

13   add updating location information stored in a database as taught by Froeberg in order to

14   keep track of the most recent location of a device.

15       Claim 54 is of the same scope as claim 51, therefore is rejected based on the

16   same rationale as claim 51.  Claim 54 recites a method while, 51 recites a system (see

17   claim 51 rejection).

18

19       Claim 52 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over

20   US Patent 6,014,090 issued to Rosen et al.(Rosen) in view of US Patent 6,028,550

21   issued to Froeberg et al.(Froeberg) in further view of US Patent 6,629,136 issued to

22   Naidoo.

1

2      Rosen in view of Froeberg teaches all the limitation of claim 51, however does

3   not teach as per claim  52, the real time, spatial location aware directory system of

4   Claim 51, wherein said electronic device includes a point of sale terminal.

5      Naidoo teaches wherein said electronic device includes a point of sale

6   terminal(col.6,lines 65-66).

7      Therefore, it would have been obvious to one having ordinary skill in the art at

8   the time of the invention to modify the system of identifying a device as taught Rosen in

9   view of Froeberg to add wherein said electronic device includes a point of sale terminal

10  as taught by Naidoo in order to in order to help find information corresponding to a

11  specific area(col.1,lines 57-59).

12      Claim 55 is of the same scope as claim 52, therefore is rejected based on the

13  same rationale(see claim 52 rejection).

14

15      Claim 53 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over

16  US Patent 6,014,090 issued to Rosen et al.(Rosen) in view of US Patent 6,028,550

17  issued to Froeberg et al.(Froeberg) in further view of US Patent 6,259,405 issued to

18  Stewart et al (Stewart).

19

20      Rosen in view of Froeberg teaches all the limitation of claim 51 however does not

21  teach as per claim 53, the real time, spatial location aware directory system of Claim 51,

22  wherein said information pertaining to an entity owning and operating said electronic

1   device includes the name, address, telephone number, and E-mail address of said

2   entity, wherein said address is updated as said spatial location information reported by

3   said electronic device changes.

4          Stewart teaches wherein said information pertaining to an entity owning and

5   operating said electronic device includes the name, address, telephone number, and E-

6   mail address of said entity, wherein said address is updated as said spatial location

7   information reported by said electronic device changes(col.10,lines 9-18).

8          Therefore, it would have been obvious to one having ordinary skill in the art at

9   the time of the invention to modify the system of identifying a device as taught Rosen in

10  view of Froeberg to add wherein said information pertaining to an entity owning and

11  operating said electronic device includes the name, address, telephone number, and E-

12  mail address of said entity, wherein said address is updated as said spatial location

13  information reported by said electronic device changes as taught by Stewart in order to

14  service mobile users of portable devices(col.1,lines 23-25).

15         Claim 56 is of the same scope as claim 53, therefore is rejected based on the

16  same rationale(see claim 53 rejection).

17

18         Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over US

19  Patent 6,629,136 issued to Naidoo in view of US Patent 6,216,173 issued to Jones et

20  al.(Jones) in further view of US Patent 6,047,327 issued to Tso et al.(Tso).

21

1          As per claim 58, Naidoo teaches a  method of building an enhanced directory of

2     available services and devices which includes the spatial location of such services and

3     devices, comprising the steps of:

4          transmitting a configuration request from a device, wherein said configuration

5          request includes a spatial location, attributes associated with said spatial

6          location, and attributes associated with said device(col.3,lines 30-31, lines 59-

7          66,col.11,lines 23-27);

8          identifying at least one service servers capable of providing said requested

9          configuration information to said device based in part on said spatial location

10         transmitted by said device(col.10.lines 39-42);

11         However Naidoo does not teach receiving and processing said configuration

12    request at a master configuration server; rerouting of said configuration request to said

13    one or more service servers; transmitting said requested configuration information to

14    said device from said one or more service servers; storing said requested configuration

15    information on said device; storing said spatial location, spatial location attributes,

16    device attributes, and assigned configuration information in a database on a server;

17    allowing other devices to search said database; and, updating device spatial location

18    and spatial location attribute information on a periodic basis.

19         Jones teaches receiving and processing said configuration request at a master

20    configuration server(col.12,lines 16-20); rerouting of said configuration request to said

21    one or more service servers(col.12,lines 39-54);transmitting said requested

1   configuration information to said device from said one or more service

2   servers(col.12,lines 39-54).

3          Therefore, it would have been obvious to one having ordinary skill in the art at

4   the time of the invention to modify of providing geographically-related content over a

5   network as taught by Naidoo to add receiving and processing said configuration request

6   at a master configuration server;

7   rerouting of said configuration request to said one or more service servers;

8   transmitting said requested configuration information to said device from said one or

9   more service servers as taught by Jones in order to consider the relative requirements

10  of other applications that is needed to use the network(col.3,line 66-col.4, line 6).

11         Naidoo in view of Jones however does not teach storing said requested

12  configuration information on said device; storing said spatial location, spatial location

13  attributes, device attributes, and assigned configuration information in a database on a

14  server; allowing other devices to search said database; and, updating device spatial

15  location and spatial location attribute information on a periodic basis.

16         Tso teaches storing said requested configuration information on said device

17  (col.16,lines 24-28); said spatial location, spatial location attributes, device attributes,

18  and assigned configuration information in a database on a server(Fig.3,col.4,line 65-

19  col.5,line29); allowing other devices to search said database(col.1,lines 16-26); and,

20  updating device spatial location and spatial location attribute information on a periodic

21  basis(col.6,lines 64-67).

1    Therefore, it would have been obvious to one having ordinary skill in the art at

2    the time of the invention to modify of providing geographically-related content over a

3    network as taught by Naidoo in view of Jones to add storing said requested

4    configuration information on said device; storing said spatial location, spatial location

5    attributes, device attributes, and assigned configuration information in a database on a

6    server; allowing other devices to search said database; and, updating device spatial

7    location and spatial location attribute information on a periodic basis as taught by Tso in

8    order for the cellular device to be aware of its respective location(col.16,lines 28-29).

9

10    *Conclusion*

11

12    Any inquiry concerning this communication or earlier communications from the

13    examiner should be directed to Backhean Tiv whose telephone number is (703) 305-

14    8879.  The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M.

15    Monday-Friday.

16    If attempts to reach the examiner by telephone are unsuccessful, the examiner's

17    supervisor, Glenton B Burgess can be reached on (703) 305-4792.  The fax phone

18    number for the organization where this application or proceeding is assigned is 703-

19    872-9306.

1        Information regarding the status of an application may be obtained from the

2    Patent Application Information Retrieval (PAIR) system.  Status information for

3    published applications may be obtained from either Private PAIR or Public PAIR.

4    Status information for unpublished applications is available through Private PAIR only.

5    For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

6    you have questions on access to the Private PAIR system, contact the Electronic

7    Business Center (EBC) at 866-217-9197 (toll-free).

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10   BT
11  Backhean Tiv
12  Art Unit 2151
13  4/28/04
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Andrew Caldwell